GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Social Welfare Department –Land acquisition for house sites – Guntur District –Guntur Town- Land acquired to an ext of Ac.4.00 cts in Sy.No.356/B and 388/A etc., of Guntur for provision of house sites to Rickshaw pullers of Guntur Town– Sanction of Rs. 3,51,12,501/- towards final decretal charges in respect of OP No.15/92 –Orders – Issued.

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SOCIAL WELFARE (BUD&LA) DEPARTMENT

G.O.RT.No. 416 Dated: 27-09-2017

Read the following:-

1. From the Dist Collector, Guntur Lr.No.2977/08-G1, dt 31.10.2016
2. From the DSW, A.P., Lr.No.G2/8106/2008, dt 21.12.2016.
3. From the Spl CS&CCLA, A.P., Lr.No.LA.I(1)/503/2016, dt 16.03.2017.

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ORDER:

As reported by the DSW, A.P.,/Dist Collector, Guntur the Spl CS&CCLA, A.P., has stated that the LAO/RDO, Guntur has acquired to an ext of Ac.4.00 cts in Sy.No.356/B and 388/A etc., of Guntur was acquired for provision of house sites to Rickshaw pullers of Guntur Town vide Award No.2/92, dt 18.01.1992 duly fixing an amount of Rs.50,000/- per acre. The D.N u/s 4(1) of the LA Act was approved and published on 26.10.1989 and possession was taking on 19.01.1992. The awardees received the compensation amount under protest and their claims were sent to the Civil Court u/s 18 of the LA Act for adjudication of market value. On reference the 1st Addl Sr Civil Judge, Guntur enhanced the land value from Rs.50,000/- per acre to Rs.127.50 per Sq Yd in LAOP No.15/92, dt 21.07.2006. Further it is reported that, appeal was filed before the Hon'ble High Court against the orders of the Civil Court and the Hon'ble Court passed interim orders in LAASMP No.467/2008, Dt 24.01.2008 by directing the respondents to pay half of the decretal amount awarded by Lower Court and accordingly half of the decretal amount of Rs. 45,39,825/- was deposited in the Court of 1st Addl Sr. Civil Judge, Guntur on 06.9.2008.

2. The Spl CS & CCLA, A.P., has further stated that the Hon'ble High Court enhanced the land value from Rs.127.50 per Sq Yd to Rs.275/- per Sq Yd in LAAS No.204/2007, DT 27.04.2009. The G.P for Appeals, A.P., Hyd has opined that there are no grounds to prefer an appeal before the Hon'ble Supreme Court of India and to implement the orders of the Hon'ble High Court and it is reported that the proposals were submitted to the CCLA through the Commissioner SW for release an amount of Rs.1,72,49,529/- by calculating the 15% interest upto 18.03.2010 and reported that the CSW, has already recommended for sanction and release of funds to the CCLA, A.P., for onward transmission to the Secy to Govt SW Deptt., and the CCLA submitted the proposal to the Govt for release of decretal amount. At this stage, the Govt (SWLA) Deptt., has issued instructions to file SLP in the Supreme Court of India along with condonation without any delay and intimate the same to the Govt vide Memo.No.9531/ LA/2010-1, dt 27.12.2010. In this regard, the Hon'ble Supreme

Court of India has dismissed the SLP for non-prosecution in SLP No.24286-24827 of 2014, dt 29.8.2014.

3. The Spl CS & CCLA, A.P., has also stated that the Decree Holders have filed EP No.390/2007 and 264/2015 in LAOP No.15/92 before the Court of 1st Addl Sr. Civil Judge, Guntur for paymet of decretal charges as per the orders of the Hon'ble Court. The calculation memo filed by the Decree holders were sent to the GP Dist Court, Guntur to file objections if any on the calculations filed by the Decree holders. In the calculation memo filed by the decree holders, they claimed solatium at 30% on the market value + additional market value and also claimed interest at 9% and 15% on the total compensation. It is further reported that the Govt Pleader was requested to take necessary steps to oppose the calculation sheets filed by the Decree holders by filing counter on behalf of the RDO. The 1st Addl Sr. Civil Judge, Guntur had accepted the calculations filed by the Decree holders and passed orders on 19.02.2016 to deposit the amounts calculated by the Decree holders in EP NO.390/2008 and 624/2015 in LAOP No.15/92. The GP Guntur obtained the certified copy of the orders and informed vide his Lr. dt 01.04.2016 that it is not desirable to file an appeal against the orders of the Civil Court and requested to take necessary steps to deposit the amounts as per orders. Thereafter the Dist Collector, Guntur has submitted proposals for an amount of Rs.3,51,12,501/- towards final decretal charges in respect of OP No.15/92 dt 24.7.2006 for the land acquired to an ext of Ac.4.00 cts in Sy.No.356/B and 388/A etc., of Guntur for provision of house sites to Rickshaw pullers of Guntur Town.

4. After verification and scrutiny of the proposals submitted by the DSW, A.P.,/ Dist Collector, Guntur, the Spl CS&CCLA, A.P., has sent comparative calculation sheet for an amount of Rs.3,51,12,501/- (Rupees three crore fifty one lakh twelve thousand five hundred and one only) towards final decretal charges in respect of OP No.15/92 dt 24.7.2006 for the land acquired to an ext of Ac.4.00 cts in Sy.No.356/B and 388/A etc., of Guntur for provision of house sites to Rickshaw pullers of Guntur Town.

5. Government, after careful examination of the above proposal, hereby accord permission to the Director of Social Welfare, A.P., Amaravati for release an amount of Rs. 3,51,12,501/- (Rupees three crore fifty one lakh twelve thousand five hundred and one only) towards final decretal charges in respect of OP No.15/92 dt 24.7.2006 for the land acquired to an ext of Ac.4.00 cts in Sy.No.356/B and 388/A etc., of Guntur for provision of house sites to Rickshaw pullers of Guntur Town.

6. The expenditure sanctioned in para (5) above shall be met from the BEs 2017-18 and debited to the following Head of Account:

"**2225- Welfare of Scheduled Castes, Scheduled Tribes and other Backward classes – 01- Welfare of Scheduled Castes – M.H.283- Housing – G.H.11 – Normal State Plan – SH(08) Acquisition of House sites to weaker sections in Indiramma programme – 310/312 – Other grant –in-Aid.**

(P.T.O.)

7 The Director of Social Welfare, A.P., Amaravati is directed to issue necessary proceedings to the District Collector, Guntur to comply with the court orders in O.P.No. 15/92.

8. The District Collector, Guntur shall verify the calculation sheet submitted by the land Acquisition officer once again, before issue of the proceedings for releasing the amount. If any discrepancy/excess claim is found in the calculation sheet in future, the Land Acquisition officer shall be held solely responsible

9. These orders issues with the concurrence of Finance (FMU-Welfare-I) Department, vide their U.O.No. 39027/117/FMU-WELFARE.I/2017, Dated: 12.09.2017.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.S.RAWAT
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Spl CS & Chief Commissioner of Land Administration, A.P., Vijayawada
The Director of Social Welfare, A.P, Amaravati
The District Collector, Guntur
Copy to:
The Director of Treasury & Accounts, A.P., Vijayawada
The Accountant General, A.P., Hyderabad
The Deputy Director of Treasury & Accounts, Guntur
Finance (FMU-WELFARE -I) Department
SF/SC.

// FORWARDED::BY::ORDER//

SECTION OFFICER